

SIU 7396 **PATENT**

Art Unit 1614

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Kathleen C.M. Campbell Serial No. 09/911,195 Filed July 23, 2001 Confirmation No. 2942 THERAPEUTIC USE OF D-METHIONINE TO REDUCE THE TOXICITY OF NOISE

Examiner Rebecca Cook

July 8, 2004

INTERVIEW SUMMARY

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicant received the Examiner's Interview Summary dated June 8, 2004; in Applicant's amendment filed on June 15, 2004, a brief interview summary was included. However, against the contingency that a separate interview summary is necessary, Applicant submits the following in response to the Examiner's Interview Summary dated June 8, 2004. Applicants respectfully request that the following Interview Summary be entered into the record.

Telephonic Interview Details:

Participants: Examiner Rebecca Cook and John K. Roedel, attorney for Applicants.

Date of Interview:

June 1, 2004

Exhibit shown or

Express Mail Label EV 544920417 US

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demonstration conducted:

Declaration of Kathleen Campbell

Claims discussed:

All

Identification of prior

art discussed:

Art of record

Agreement with

respect to the claims:

None

Substance of the Interview:

In the interview of record, the Examiner and the Applicant's attorney discussed the simultaneously submitted unsigned declaration of Dr. Campbell distinguishing the pending claims from the teachings of Campbell et al. The Examiner recognized the merit of the arguments presented by Applicant's attorney distinguishing the pending claims from the teachings of Campbell et al. However, the Examiner stated that the claims lack novelty over that reference because a subset of those receiving cisplatin in chemotherapy would also have been exposed to noise that would have caused ototoxicity, so that the claims are inherently anticipated by the prior art administration of D-methionine for treatment of cisplatin-induced ototoxicity. The Examiner therefore stated that, to establish novelty, it would be necessary to add a proviso to the claims excluding treatment of those suffering from noise-induced ototoxicity who also receive both cisplatin and D-methionine as described in Campbell et al. It is Applicant's understanding that, if the Examiner is satisfied that there is support in the specification for such a proviso, and the claims are amended to include the proviso, the claims would be deemed allowable.

Applicants would like to thank the Examiner for the time spent discussing the

present application during the above-noted Interview.

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The Examiner is authorized to charge any underpayment or to credit any overpayment of the above referenced fees to Deposit Account No. 19-1345.

Respectfully submitted,

John K. Roedel, Jr., Reg. No. 25,914

SENNIGER, POWERS, LEAVITT & ROEDEL

is loved of

One Metropolitan Square, 16th Floor

St. Louis, Missouri 63102

(314) 231-5400